

# LIBERTY ADVOCATE.

WHEN POWERS ARE ASSUMED WHICH HAVE NOT BEEN DELEGATED, A NULLIFICATION OF THE ACT IS THE RIGHTFUL REMEDY.—Jefferson.

RAVES & SMILEY, EDITORS.

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## COMMUNICATIONS.

Messrs. Editors:

We are glad to see announced in your paper, among other candidates for the approaching election, the name of JAMES McDOWELL, Esq., for County Surveyor. His excellent business habits, and practical knowledge of Surveying render him qualified to fill that office, with credit to himself and satisfaction to the County. The Union Bank, together with the large amount of public land entered in the County within the last three years; and the small amount of surveying done since the death of Judge Wilkinson, must immediately give to that office a large amount of business; and we shall be truly glad to see it filled by a man so fully competent to discharge its duties as Mr. McDowell.

MANY VOTERS OF TALBERT'S PRECINCT.

Messrs. Editors:

It is essential in a republican government like ours, where the freedom of speech is inalienable, for every freeman to rigidly investigate the characters of public men, who take the responsibility of giving instructions to the public, especially those who are conductors of the public press, inasmuch as strong prejudice, arising from party predilection, has a tendency to bias the minds of a large portion of the people. Impressed with the necessity of this fact, I purpose to make a few remarks, through your journal, to the people of Amite, in relation to a gentleman who wishes to die to his party how they must; and moreover, has established a press in Liberty, for the avowed object of breaking down the Advocate. The person alluded to, is the principal editor of the Piney Woods Planter, Mr. Tothill. The attitude which he has assumed is one of great importance; it is therefore necessary to scrutinize his private character, which lays the foundation of all his proceedings in a political point of view. If a man is destitute of a moral character, it would be utterly impossible for him to establish an untarnished political character.

I shall now proceed to notice some of Mr. Tothill's prominent acts, in relation to an affair which took place between William Gray and the Citizens of Zion Hill settlement. The latter gentleman commenced a school at Zion Hill last year, for the term of twelve months, but was discharged by his employers, on account of his base and villainous conduct, and afterwards published as a notorious liar. Notwithstanding this, Mr. Tothill was found to be one of his warmest bosom friends, and used his greatest exertions in behalf of Gray, who commenced a prosecution against his employers, to endeavor to swindle them out of their money, for the whole year, after teaching only three months. The circumstances connected with this matter, I presume, are too well known to require a rehearsal; suffice it to say that he sunk himself in the lowest estimation, by his general deportment, in Zion Hill settlement.

It is an old maxim, that a man is always known by the company he keeps. Now I hold this truth to be self-evident, if a man countenances a criminal act, he deserves as much punishment, so far as moral guilt is concerned, as the perpetrator of the deed. The morality of an act is always judged by the intention of the agent or actor, and as Mr. Tothill took a decided stand in favor of Gray, I would infer that he was a feather of the same flock.

In making this statement to the public, I have not been actuated by any personal animosity to the gentleman, but merely wish to inform the people of his acts, that they may be enabled to judge of his merit or demerit, as the conductor of a public journal, and treat him accordingly. As he affirms in his paper that his object is to disseminate truth, I cordially agree with him; and as such will endeavor to place him before the public in that attitude which he so meritoriously deserves, whilst I confidently hope that the people of Amite will give their attention to this matter, in order to ascertain the true character of Mr. Tothill, which would avert the gross impositions he might impose upon them by loud and ridiculous falsehoods. I look upon him as being a dangerous character, provided that he is sustained by the community, and as one who is calculated to infuse a political poison in the minds of our citizens. They should therefore re-

move every bar that would prevent a full view of his character, and reward him according to his merits.

ZION HILL.

## CONGRESSIONAL ELECTION.

We are soon to be called to the polls, for the third time within nine months, to choose our representatives to the national legislature. The causes of this unprecedented frequency of election are well known, and the questions arising out of them have been amply discussed. Further investigation would therefore be useless; and the only practical question now is, whom shall we vote for on this third occasion?

It is understood that Colonel Claiborne and a General Davis are candidates for one party, whilst Messrs. Prentiss and Word will be run by the other. Of all these four gentlemen, I have never, I believe, seen either, except Col. Claiborne. I can, therefore, have no particular partiality for any but him. For him I have such partiality, and should be happy to gratify it on this occasion, if I could do it consistently with my sense of public expediency. I shall not withhold my vote from him because he is a Van Buren man, for I have voted for him when I knew that he was a Van Buren man. But this was before the currency question (the great question of the day) had assumed its present settled posture, as a real party question. It is true I knew that Mr. Van Buren, obsequious to the views of General Jackson, had committed himself on this question; but this did not warrant me to conclude that Col. Claiborne would commit himself in support of all the measures of Mr. Van Buren.

Expectations were indulged at the July canvass, that Col. Claiborne would be in favor of a national bank; but whether he authorized such expectations, was afterwards a question of much unpleasant altercation. Be the truth what it may, he did, after the election, declare himself decidedly and unalterably opposed to such an institution; and he now stands committed as irrevocably against it, as does Mr. Van Buren himself. These gentlemen may both be very sincere in their objections to a national bank; and it is possible, though not probable, that the currency of the country may be restored without such an institution; yet they cannot be justified in pledging themselves, without reserve, against a measure, which greater men than they have found to be necessary.—Mr. Madison was a distinguished and pre-eminent opponent of the first National Bank; but although he argued ably and zealously against it, he was too prudent to pledge himself to an unalterable course of opposition; and when the bill establishing the late National Bank was presented for his approval, he had the magnanimity and the patriotism to decide practically against his former opinions. But there is something more than opinions in the way of a change, should a change be necessary, on the part of Mr. Van Buren and Col. Claiborne. They have pledged themselves as to future action, without the least reserve as to any exigency that may possibly arise; and if all parties should hereafter see, and confess a National Bank to be indispensable to the salvation of the country, neither of them could concur in saving his country, without a positive violation of a sort of political oath.

I have put Col. Claiborne in juxtaposition with Mr. Van Buren, because the former has chosen to chain himself to the system of the latter; and thus chained, he must take the track and go the gait of the locomotive, with, of course, the same mechanical compulsion and precision of the other cars of the train. Of his fellow candidate, Gen. Davis, I have never heard until the present occasion. I presume, however, that he is a respectable man, as we all know Col. Claiborne to be. But the probability is, that he also is bound to a specific course, that is to say, to follow the footsteps of Mr. Van Buren, as Mr. Van Buren is bound to follow the footsteps of General Jackson. And here we come at the source of the hard currency system, and the main cause of the hard times which oppress us. A general currency is essential to the prosperity of every State in the Union; and this currency must consist of the paper of a National Bank, or gold and silver; but both would be better. The mortal hostility of the late President has put an end to the former, and his unmerciful specie order has suspended, at least, the circulation of the latter. I think it is about two years since this famous order was issued; but instead of restoring the precious metals as a medium of exchange, they are now banished from commerce. We know and feel this to be the case here; and I infer that it is the case in most, if not all the States, from the fact that their legislatures generally are authorizing the issue of small bank bills, to say nothing of the shinpasters which inundate the cities, and flow through the country. This is the golden age which the specie order was to introduce!

It is true that the late and present executives have the authority of law, for requiring specie in payment of public dues; but it is also true, that private creditors would have the same authority for requiring specie also in payment of their dues; and if the latter had followed the high example of the former, the consequences would have been overwhelming. Society could not have sustained the tremendous shock. "All things are lawful unto me, but all things are not expedient," said a great inspired writer; and so thought the predecessors of General Jackson, who, though possessing the same power, never took one step tending to disturb the common currency of the country, in peace or war. "One currency for the Government, and another for the people," is the most odious distinction, the most oppressive measure, and the most dangerous precedent that ever blotted the executive annals of our republic; and are we now about to elect representatives who are disposed, nay, pledged to sustain, in Congress, such an innovation on the practice of the government, such an inroad on the rights of the people, such a reproach on the character of the nation?

As to Messrs. Prentiss and Word, I presume that their united talents are equal to those of Messrs. Claiborne and Davis. As to the general politics of the former, they may or may not be such as I espouse. I make no enquiry on this point. A single question of absorbing interest demands an almost exclusive attention, at this dangerous crisis in our pecuniary concerns. A National Bank is deemed necessary by many of the wisest men in our country, to relieve us from pressure and distress. It is understood that Messrs. Prentiss and Word are in favor of such an institution. Still I would not have them bound to vote for a bank at all events. I would not require them to support any that might not be based upon just principles, and well guarded by cautious provisions. But it is a reflection upon our government to doubt its wisdom and vigilance so far as to apprehend that a National Bank cannot be rendered perfectly safe, as well as eminently useful.

There is now a desperate question presented for the decision of the nation, namely,—whether the experiment of a hard currency system shall be continued without regard to consequences, or whether that grievous experiment shall cease.—This is the true question for our approaching election. I do not presume to predict its issue; but, so far from joining in the complaint of both parties against Congress, in relation to this subject, I rejoice that a new and fair trial of party strength is about to be made. If the friends of the administration, who feel and lament the effect of the hard currency scheme as much as those who oppose it do, have the preponderance, and choose to use it, against light and knowledge, merely to gratify feelings, at the expense of sacrificing our common welfare, then be it even so. We can bear the evil consequences as well as they, nay better, inasmuch as they will be mitigated by the reflection that we endeavored to remove the cause.

HONESTAS.

ARTHUR WELLESLEY BOLIN'S

Address, to the People of Mississippi.

FELLOW-CITIZENS:

Congress having kicked all your Representatives, good and bad, out of their seats, it will devolve on you, on the 23rd and 24th of April next, to elect two persons, to serve out the unexpired term of the 25th Congress. At the solicitation of a large number of the most orthodox of the Party, I have consented that my name should be presented to you, for the honor of representing you. I feel it a duty according to custom, to state unreservedly, my political creed.

It is said that Col. Claiborne, Col. Gholson, Gen. Davis, et al, are Democrats of the first water.—I am not a water Democrat;—I am a THUNDER and LIGHTNING Democrat. And, when any thing is said against the steps of our glorious Footstep President or the Party, off I go, like a forty-two pounder, with Percussion Lock, and double Triggers.

I hold, that previous to the existence of our Confederation, the Colonies, were Colonies; dependant on the Crown of Great Britain;—and that the recognition of our independence, by the English Government, was in fact, nothing more than a transfer of the King's prerogative to the President of the United States.—And consequently between the recognition of our independence, and the election of our first President, we had no Government inasmuch as there was no exercise of the Kingly prerogative. It is true that the U. S. Bank succeeded in influencing our Presidents to refrain from exercising the most important of the prerogatives which had thus legitimately devolved upon them; but at last we succeeded in electing a President of the true old Roman stamp, who, in vindication of his rights, grappled with the monster, and slew it, and, now this great

and dear people, are prosperous and happy.

In regard to the doctrine of construction, I contend that all power belongs to the Government. It is true that something is said in the Constitution, of rights reserved to the States; but this was slipped in by the Bank of North America, and should be disregarded. Congress consists of Members from all the States, and possesses all the powers of the State's reserved, or unreserved;—and I hold that the order of subordination in the Government, is as follows:—The States are subordinate to Congress, Congress subordinate to the President, and the President independent. As to the Judiciary, if the policy which has been pursued since the introduction of the Party, should be adhered to, a few years longer, it will become a useless incumbrance to the Government, and should be abolished;—which the President can do by proclamation.

I am an uncompromising foe to a National Bank; because such institutions, ever have, and ever will loan out money to the people, thus encouraging them to engage in works of internal improvement, over trade in manufactures, and extend their commerce and agriculture, whereby they become rich, insolent, and much inclined to Whiggery. It is said by all Parties, that the sovereignty belongs to the people; it consequently may be inferred that the money belongs to the Government; decidedly the best plan for taking care of it that I have heard suggested, is the Sub-Treasury System; and I think it should be immediately adopted, that the dear people may the sooner be left to take care of their sovereignty; that precious inheritance, bequeathed to them by their glorious ancestors.

Fellow Citizens, in conclusion, should I be honored with your suffrages, and Nick Biddle, Daniel Webster, Henry Clay, or any of the corruptionist crew insult Congress with a proposition to charter a National Bank; I solemnly pledge myself to make a speech. What I shall say in that speech I cannot now foretell, for it will be made under the utmost wrath and indignation. But I can tell you what Homer would say of its effect, were he alive to witness it. He would say, or rather sing,

O'er all the world, his thunders roll,  
His lightnings flash'd from pole to pole,  
And down they went, G—d—n their souls.

Your humble and devoted fellow-citizen,  
ARTHUR WELLESLEY BOLIN.

## TO THE PEOPLE OF MISSISSIPPI.

At the April election, you are to vote for Messrs. Prentiss and Word, or Messrs. Claiborne and Davis to take their seats as your Representatives in Congress.

It is a duty you owe to yourselves, to your wives and your children, to the laws, the constitutions, and the honor of our State, to vote for Messrs. Prentiss and Word.

Not because Messrs. Prentiss and Word are better or abler men, not because their opinions of national measures are more correct, not because they are on this or that side in party politics, but simply because they now are your Representatives by the Constitution and laws of the State, and the House have refused them a seat in defiance of the sovereign will of the people. It is your duty as patriots and citizens, as descendants of the fathers of the Revolution, to give your votes in support of the authority and government of the people.

What do we mean by the sovereignty of the people; all power is in the hands of the people, the government of the people, the people's will must govern?

Do we not mean by all these terms, that what the constitution and laws, made by the people in convention or in their legislature's commands, shall be obeyed? All we mean by these words, is that the constitution and laws are the sovereign will of the people. It is a government of the people, because it is a government of Constitutions and laws made by the authority of the people.

The people are sovereign, because their sovereign commands, written down in their constitutions and laws must be obeyed.

The constitution and laws then are the sovereign will of the people, and if Messrs. Prentiss and Word are now the representatives of Mississippi by their constitution and laws, they are so by the will of the whole people and there is no power on earth which has a right to refuse to admit them as your Representatives. To deny them seats in the House, is to resist the sovereign will of the people, to overthrow their sovereignty, their government, their constitution, and their laws.

It is a fundamental law of the people, that Representatives elected by a majority of votes at an election held and conducted in obedience to the constitution and laws, are the Representatives of the people by their sovereign will. It matters not whether all who had a right to vote, voted or not. The law required them to vote, they were bound to know the law, and if any did not choose to vote, the laws

and constitution of the country are not to be set aside on that account. As soon as a majority of voters at a legal and constitutional election have chosen Representatives they are the representatives of the whole people, by the will of the whole people declared in their constitution and laws, and every man is bound to sustain them who acknowledges the government of the people.

Are Messrs. Prentiss and Word now your Representative by the sovereign will of the people, or are Messrs. Claiborne and Davis.

If Messrs. Prentiss and Word are your representatives by the constitution and laws, the others, Messrs. Claiborne and Davis cannot be, as you cannot have a double representation both constitutional and both legal. Here let me remark, that no man can hold any office, either as a law maker, a judge or a governor, who cannot shew his right by the constitution and laws. It is this which makes all men, rich or poor, learned or ignorant, free and equal. No man can compel another to obey his commands, unless he is authorized to do so by the constitution and laws of the people, and then he does it only as the Representative or servant of the people.

Are Messrs. Prentiss and Word now your Representatives? What say your Constitution and laws. They say an election for Representatives shall be held on the first Monday and day following in November. They command the Sheriffs in each county to give notice of this election; to appoint judges to preside at the polls; receive all legal votes, count them out, and make true returns to the office of the Secretary of State. They command the Secretary to sum up the votes from all the counties, and publish in the public newspapers, the result of the election, and declare what persons are elected. They command the Governor to give certificates to the persons elected, as the evidence of the returns and result of the election to be presented to the House. All these things are commanded by your laws, and the Sheriffs, Judges, Secretary and your Governor, all take an oath to obey and act in obedience to these laws. No man will be so bold as to deny this statement. No man will dare say, that such are not the laws of Mississippi, because every Mississippian knows it, and no one can be deceived by any such false statement. Messrs. Prentiss and Word, last November were elected Representatives to the 25th Congress, in conformity to all these commands of the people. The election was held in November, the Sheriffs gave notice of the election, Judges presided, every voter in the State who chose to do so, voted for Representatives, the returns were made to the Secretary's office, the Secretary published the result, and declared Messrs. Prentiss and Word elected, and the Governor gave them the certificates. All these officers acting under oath. Can any man pretend to say, Messrs. Prentiss and Word are not our Representatives by the constitution and laws of the State? If not, is Governor McNutt our Governor? He was elected at the same time, under the same Constitution and laws, and by a less number of votes than Mr. Prentiss.

The House have as much right to resolve, that Mr. McNutt shall not act as the Governor of Mississippi under that election, as that Messrs. Prentiss and Word shall not act as Representatives.

But the House of Representatives resolved Messrs. Prentiss and Word were not entitled to seats in the 25th Congress. Here then is the question to every voter. Your constitution and laws declare Messrs. Prentiss and Word are your Representatives, the Resolution of the House declares they shall not have the seats of Representatives. Your Constitution and laws are the will of the people of Mississippi, the resolution is the will of a majority of the Representatives from other States. Which must be obeyed, your constitution and laws, or the resolution of the House? If you vote for Messrs. Prentiss and Word, you will say by your vote the constitution and laws, the sovereign will of the people must be obeyed. If you vote for Messrs. Claiborne and Davis, and you will say the resolution of the House must be obeyed. Which government will you support, by your vote, the democracy of Mississippi or the aristocracy of the House. Which is it your duty to support. Can any other question be placed in competition with this question. If you give up your constitution and laws, and surrender the sovereignty of the people, what is there worth contending about. What matters it about abolition, a national Bank, a sub-treasury system, personal preferences for Prentiss and Word, or Claiborne and Davis, if you surrender your constitution and laws, your liberties, the sovereignty, the freedom and the independence of the people of Mississippi. What matters it whether you chose or voted for the one or the other of these Representatives in November, when the question is whether your constitution and laws